

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K.  
and T.D.

NO. 04-2338 RSM

v.  
Plaintiff,

**DEFENDANTS' PROPOSED  
ORDER DENYING PLAINTIFFS  
MOTION TO COMPEL**

THE CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF  
JESUS CHRIST OF LATTER-DAY  
SAINTS, a Utah corporation sole, a/k/a  
"MORMON CHURCH"; LDS SOCIAL  
SERVICES a/k/a LDS FAMILY SERVICES,  
a Utah corporation

Defendant.

THIS MATTER, having come on regularly before the above-captioned Court upon Plaintiffs' Motion to Compel, and the Court having reviewed:

1. Plaintiffs' Motion to Compel;
2. The declaration of Michael T. Pfau in Support of Plaintiffs' Motion to Compel and Exhibits thereto;
3. Plaintiffs' Proposed Order Granting Their Motion to Compel;
4. Defendants' Memorandum in Opposition to Plaintiffs' Motion to Compel;

**DEFENDANTS' PROPOSED ORDER DENYING  
PLAINTIFFS' MOTION TO COMPEL - 1**

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## STAFFORD FREY COOPER

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#### **PROFESSIONAL CORROBATION**

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5. The Declaration of Marcus B. Nash and the Exhibits thereto; and

6. Defendants' Proposed Order Denying Plaintiffs' Motion to Compel;

And the Court having considered the records and files herein, and deeming itself fully advised on the premises, now, therefore, it is hereby

**ORDERED**, that Plaintiffs' Motion to Compel shall be, and hereby is, **DENIED**.

DONE IN OPEN COURT this \_\_\_\_\_ day of January, 2006.

**THE HONORABLE RICARDO MARTINEZ**

Presented by:

**STAFFORD FREY COOPER**  
*Attorneys for Defendants*

/s/ Marcus B. Nash via ECF

Thomas D. Frey, WSBA #1908  
Marcus B. Nash, WSBA #14471

**DEFENDANTS' PROPOSED ORDER DENYING  
PLAINTIFFS' MOTION TO COMPEL - 2**

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## Certificate of Service

I certify that on the date noted below I electronically filed this document entitled DEFENDANTS' PROPOSED ORDER DENYING PLAINTIFFS' MOTION TO COMPEL with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

Timothy D. Kosnoff  
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Michael T. Pfau  
Gordon Thomas Honeywell Malanca Peterson & Daheim, LLP  
600 University Street, Suite 2100  
Seattle, WA 98101-4185  
Fax: (206) 676-7575

And I certify that I have caused to be served in the manner noted below a copy of the above-listed document on the following non-CM/ECF participants:

- Via Facsimile
- Via First Class Mail
- Via Messenger

DATED this 9th day of January, 2006, at Seattle, Washington.

/s/ Marcus B. Nash via ECF